

Entered -6-15-99 - sb  
CL 99L0368 - GWENDOLYN BURNS

## CLAIM OF:

**PHILIP S. WINGATE**  
1324 Witter Street  
Charleston, South Carolina 29412

For damages alleged to have been sustained when a vehicle drove over an exposed manhole on April 30, 1999 at Pine Street & Techwood Drive.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL JAN 16 2001

## ADVERSE REPORT

COM. *P.S. + L.A.*DATE *1/16/01*CHM. *C. To Martin*

*[Signature]*  
*[Signature]*  
*[Signature]*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 26, 2001

Philip S. Wingate  
1324 Witter Street  
Charleston, South Carolina 29412

**01-R-0045**

Dear Mr. Wingate:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L0368

Date: December 27, 2000

Claimant /Victim PHILIP S. WINGATE

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 1324 Witter Street, Charleston, South Carolina

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,360.12 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 6/14/99 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/3/99 Place: Pine Street & Techwood Drive

Department \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over an exposed manhole in the roadway that was under construction and left in an unsafe condition. An investigation determined that an outside contractor performed the work at the incident location. The Claimant has been advised that his claim has been forwarded to the contractor for resolution.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

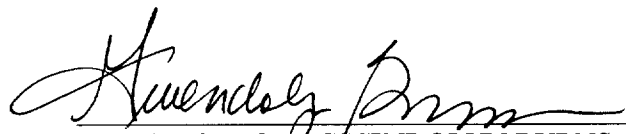
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 12-27-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 2563  
1/16/01  
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT
01-R-0013	01-R-0024	
01-R-0014	01-R-0025	YEAS: 13
01-R-0015	01-R-0026	NAYS: 0
01-R-0016	01-R-0027	ABSTENTIONS: 0
01-R-0017	01-R-0044	NOT VOTING: 3
01-R-0018	01-R-0045	EXCUSED: 0
01-R-0019	01-R-0047	ABSENT 0
01-R-0020	01-R-0048	
01-R-0021	01-R-0049	
01-R-0022	01-R-0050	
	01-R-0051	01-R-0052

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE